

REMARKS

In the Office Action, the Examiner rejected claims 1-3, 5-20, 22 and 23 under 35 USC 103(a). These rejections are fully traversed below.

Claims 6-11, 16 and 23 have been amended to further clarify the subject matter regarded as the invention. Entry of these amendments would neither create substantial new issues nor require additional searching. Still further, these amendments place the claims in better form should an appeal be necessary. In addition, to expedite prosecution, claims 1-3, 5, 13-15 and 18 have been cancelled without prejudice or disclaimer. Claims 6-12, 16, 17 and 19, 20, 22 and 23 are now pending.

Reconsideration of the application is respectfully requested based on the following remarks.

PATENTABILITY OF THE CLAIMED INVENTION

In the Office Action, the Examiner rejected claims 1-3, 5-20, 22 and 23 under 35 USC 103(a) as being unpatentable over Freivald et al., U.S. Patent 5,898,836, in combination with Glogau, U.S. Patent 5,983,351. These rejections are fully traversed below.

Freivald et al. describes an Internet document change-detection tool. Freivald et al. determines whether a web page document has changed. In doing so, a CRC is used as a checksum value. If the checksum value for a re-fetched web page document differs from a previously stored checksum for an earlier fetch of the web page document, then a user is notified that a change has occurred. The checksum determines whether the web page document is identical to the web page document previously fetched.

Glogau describes a web site copyright registration system and method. The system and method operate to examine a website or other work and produce copyright registration forms.

Claim 19 pertains to a method for determining whether a copyright registration update is needed. More particularly, claim 19 recites "comparing

at least a portion of a website against a corresponding portion of an earlier stored version of the website that was previously subject to a copyright registration with the U.S. Copyright Office to produce a change indication” (claim 19, lines 3-6). Further, claim 19 recites “determining that the copyright registration update is needed for the website based on the change indication” (claim 19, lines 7-8).

Freivald et al. contains no teaching or suggestion for copyright registrations or for the need to update copyright registrations. Although Freivald et al. describes techniques for determining whether a web page document has changed, such techniques are not taught or suggested for use in determining whether a copyright registration update is needed.

Glogau does relate to copyright registrations in that the system and method therein described operate to produce copyright registration forms that can be printed and then physically mailed to the U.S. Copyright Office to seek a copyright registration. However, Glogau completely fails to provide any teaching or suggestion regarding updating copyright registrations.

Given the serious deficiencies of Freivald et al. and Glogau, there is nothing in Freivald et al., Glogau or otherwise of record that would motivate one of ordinary skill in the art to combine Glogau with Freivald et al. as the Examiner proposes. Glogau describes a web site copyright registration system and method, and Freivald et al. describes a change-detection tool that detects changes in web page documents. Nothing, however, teaches, suggests or motivates the combination of these disparate references. The combination of these references must then be the result of improper hindsight because the only suggestion or motivation to make this combination is from Applicant’s own application.

Even if Freivald et al. and Glogau were to be combined, the serious deficiencies noted above prevent these references from rendering claim 19 unpatentable. Indeed, both Freivald et al. and Glogau are completely deficient in providing any teaching or suggestion concerning detection of a need to update prior copyright registrations.

Based on the foregoing, it is submitted that claim 19 is patentably distinct from Freivald et al., alone or in combination with Glogau. In addition, it is submitted that dependent claims 6-12, 16, 17, 20, 22 and 23 are also patentably distinct for at least the same reasons. The dependent claims contain additional limitations that further distinguish over Freivald et al. and Glogau. For example, claim 16 recites: "on-line registering of the website with the U.S. Copyright Office when it is determined that the copyright registration update is needed for the website." Neither Freivald et al. nor Glogau teaches or suggests on-line registration a copyright with the U.S. Copyright Office when a copyright registration update is determined to be needed.

The additional limitations recited in the independent or dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Freivald et al. and Glogau. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103(a).

SUMMARY

It is submitted that claims 1-3, 5-20, 22 and 23 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388.

Respectfully submitted,



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